

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 06-CR-320

DAVID R. OLOFSON,

Defendant.

DEFENDANT'S MOTION TO COMPEL DISCLOSURE OF EVIDENCE

DAVID R. OLOFSON, by counsel, submits the instant motion to compel the disclosure of evidence. Olofson seeks to compel the government to disclose a copy of any and all correspondence¹ from the Bureau of Alcohol Tobacco and Firearms (BATF) to SGW/Olympic Arms or concerning SGW/Olympic Arms' use of M-16 parts in the production of its AR-15 type weapons between 1980 and 1990, particularly the use of M-16 triggers, hammers, disconnectors and selectors. The Court had previously denied Olofson's motion for disclosure based upon the ATF's representations that the SGW letter contained privileged tax return information.

¹For the purposes of simplicity and clarity, Olofson will refer to the correspondence as the "SGW letter" from this point forward.

Olofson now seeks disclosure of the SGW letter because the BATF's contention that the SGW letter contains privileged return information is both incorrect in law and contrary to internal BATF policy. Moreover, the SGW letter is exculpatory because upon information and belief, it contains evidence that directly contradicts evidence elicited by the government during trial that was central to its theory of guilt. *See Brady v. Maryland*, 373 U.S. 83 (1963). In support of this motion, Olofson submits an accompanying memorandum of law.

WHEREFORE, David R. Olofson, by counsel, respectfully requests that the Court order the defendant to disclose any and all correspondence from the BATF to SGW/Olympic Arms or concerning SGW/Olympic Arms' use of M-16 parts in the production of its AR-15 type weapons between 1980 and 1990, particularly the use of M-16 triggers, hammers, disconnectors and selectors as soon as practicable.

Dated at Milwaukee, Wisconsin, May 1, 2008.

Respectfully submitted,

s/ Brian T. Fahl
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